

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SOURCE VAGABOND SYSTEMS, LTD.,

Case No.: 11 CIV 5379-CM-JLC

Plaintiff,

-against-

HYDRAPAK, INC.,

Defendant.

X

**DEFENDANT HYDRAPAK'S AMENDED MOTION FOR SANCTIONS PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 11**

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TO PLAINTIFF AND ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that Defendant Hydrapak, Inc. (“Hydrapak”) will and hereby does move the Court for sanctions against Plaintiff Source Vagabond Systems, Ltd. (“Source Vagabond”) and Source Vagabond’s counsel pursuant to Federal Rule of Civil Procedure 11 and the Court’s inherent authority to award sanctions. Hydrapak is filing this motion after the 21-day safe harbor period under Rule 11(c)(2).

As explained in detail in Hydrapak’s accompanying memorandum of law, the Court should impose sanctions on Source Vagabond and/or its counsel for (1) asserting and maintaining a frivolous claim for patent infringement against Hydrapak, and without undertaking an adequate pre-filing investigation (*see, e.g.*, Source Vagabond’s August 2, 2011 complaint and October 6, 2011 amended complaint); and (2) presenting a pleading for the improper purpose of harassing Hydrapak, its customers, and its business partners through the use of baseless patent infringement allegations.

Hydrapak requests such sanctions and other relief as the Court deems appropriate, including Hydrapak’s reasonable expenses and attorneys’ fees incurred in responding to Source Vagabond’s patent infringement claim, including any such expenses and fees by bringing a motion for sanctions or by otherwise responding to this claim, *e.g.*, through responsive pleadings, discovery and motion practice, as well as dismissal of this claim with prejudice.

Dated: October 12, 2011

Respectfully submitted,

MORRISON & FOERSTER LLP

By: 

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